

BASIS FOR THE AMENDMENT

Claim 21 has been canceled. The remaining claims have been amended for clarity only.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1-4 and 7-20 will now be active in this application.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The rejection of Claims 1-4 and 7-21 under 35 U.S.C. § 103(a) over Koster et al is respectfully traversed.

The present invention as set forth in **amended Claim 1** relates to a process for preparing at least one isocyanate, comprising:

reacting at least one amine with phosgene in the presence of at least one inert organic solvent in a reactor; and

working up the reaction mixture leaving the reactor,

wherein the at least one solvent is separated off from the at least one isocyanate in an at least a two-stage distillation process in which the at least one solvent is separated off at a pressure of from 0.1 to 15 bar in a first apparatus in the first stage and at from 1 to 900 mbar in a second apparatus in the second stage,

wherein the heat of condensation of a solvent vapor from the first apparatus is utilized for vaporization of solvent in the second apparatus.

In other words, the claimed process is comprises two stages. The pressure in the first stage is lower than in the second stage, and the heat of the condensation of the solvent vapor of from the first apparatus is used for vaporization of the solvent in the second apparatus.

That means, that in the first apparatus only solvent vapor is separated, and the remaining mixture of isocyanate and solvent is fed into the second apparatus, where the remaining solvent is separated off (paragraph [0017] of published US application of the present invention).

In contrast, Koster describes a different process for separating the solvent. The separating is in fact **a one step process**. In Koster, column 8, line 57-61, is stated that two columns in Figure 2 are in fact one column arranged in a series. In column 9, line 2 is stated that columns A and A' in Figure 2 are combined columns which are **operated in the mode of operation of a single column** (see column 8, line 68-column 9, line 3).

The streams in Figure 2 also show that columns A and A' are one column arranged in series. The product stream from the head of column A is introduced to the lower part of column A', and the product stream from the sump of column A' is introduced to the head of column A. That shows that columns A and A' operate like one column.

Further, the statement in the Office Action that the flow (202) from the head of column A would vaporize the solvent in the second apparatus is incorrect. Stream 202 is the stream which is fed into the second apparatus. There is no heat transfer from stream 202 to another stream.

Thus, there is no disclosure or suggestion in Koster of a process as claimed which comprises two stages, wherein the pressure in the first stage is lower than in the second stage, and the heat of the condensation of the solvent vapor of from the first apparatus is used for vaporization of the solvent in the second apparatus.

Therefore, the rejection of Claims 1-4 and 7-21 under 35 U.S.C. § 103(a) over Koster et al is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The rejection of Claims 1-4 and 7-21 under 35 U.S.C. § 112, 2nd paragraph, is obviated by the amendment of the claims and moot in view of the cancellation of Claim 21.

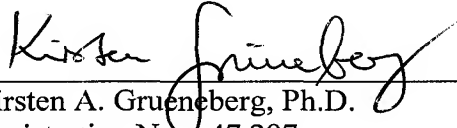
This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO:KAG:
(OSMMN 08/07)


Kirsten A. Grueneberg, Ph.D.
Registration No.: 47,297